

**Unofficial Draft Copy**

As of: September 4, 2008 (6:22pm)

LC307a

\*\*\*\* Bill No. \*\*\*\*

Introduced By \*\*\*\*\*

By Request of the Law and Justice Interim Committee

THIS BILL IS PROPOSED IF THE COMMITTEE DECIDES TO BREAK LC0307 INTO TWO BILLS: (1) A CRISIS INTERVENTION GRANT PROGRAM (ie. THIS BILL WITH A TEMPORARY NUMBER OF LC307A); AND (2) DIVERSION TO SHORT-TERM INPATIENT TREATMENT (ie, ANOTHER BILL WITH A TEMPORARY NUMBER OF LC307b).

A Bill for an Act entitled: "An Act establishing a grant program to provide state matching funds for county crisis intervention and jail diversion programs for mentally ill adults; requiring rulemaking; requiring a report; providing an appropriation; and providing an effective date and a termination date."

WHEREAS, the Law and Justice Interim Committee was asked by the 60th Legislature to study, pursuant to HJR 26, diversion of mentally ill adults from the justice system and to examine, pursuant to HJR 50, county precommitment costs related to involuntary mental health commitment proceedings; and

WHEREAS, the Law and Justice Interim Committee found that current law originally enacted by the 1991 Legislature provides an excellent framework for diversion of mentally ill adults from arrest or jail to crisis intervention programs established pursuant to sections 53-21-138 and 53-21-138, MCA; and

WHEREAS, the Law and Justice Interim Committee found that

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counties, especially small rural counties, struggle with the cost of developing local crisis intervention and jail diversion programs and that in the absence of these programs, many individuals who may only need short-term crisis stabilization are simply immediately transported to the Montana State Hospital; and

WHEREAS, the Montana State Hospital daily population has routinely exceeded its licensed capacity of 189 beds; and

WHEREAS, 45% of Montana State Hospital admissions are emergency detentions pending evaluations and another 18% of its admissions are for court-ordered detentions pending evaluations; and

WHEREAS, transportation to the Montana State Hospital is a significant expense for counties during precommitment proceedings; and

WHEREAS, emergency and court-ordered detentions at the Montana State Hospital and county transportation costs could be significantly reduced if adequate community-based crisis intervention services were developed; and

WHEREAS, the Law and Justice Interim Committee found that a state matching funds program administered by the Department of Public Health and Human Services would provide an incentive for counties and assist counties to partner with local or regional mental health providers to develop local or regional crisis intervention services.

Be it enacted by the Legislature of the State of Montana:

**BOLD CAPS INDICATE SUBSTANTIVE CHANGES FROM LCdvr2**

NEW SECTION.    **Section 1. State matching funds for county jail diversion and crisis intervention services.** (1) As soon as possible after July 1 of each year, from funds appropriated by the legislature for the purposes of this section, the department shall grant to each eligible county state matching funds for approved county expenditures made in the previous fiscal year for jail diversion and crisis intervention services established pursuant to 53-21-138 and 53-21-139. The grant amount **MAY NOT EXCEED 50% OF THE COUNTY'S ELIGIBLE EXPENDITURES AND** must be prorated based on available funding.

(2) To be eligible for the state matching funds, the county, in the time and manner prescribed by the department, shall:

- (a) apply for the funds;
- (b) develop and submit to the department a county jail diversion and crisis intervention services strategic plan pursuant to 53-21-138 and 53-21-139;

**(C) PARTICIPATE IN A STATEWIDE OR REGIONAL JAIL SUICIDE PREVENTION PROGRAM IF ONE HAS BEEN ESTABLISHED BY THE DEPARTMENT FOR THE STATE OR FOR THE REGION IN WHICH THE COUNTY IS SITUATED; AND**

(d) collect and report data and information on county jail diversion and crisis intervention services.

**(3) THE DEPARTMENT SHALL ADOPT RULES TO IMPLEMENT THE PROVISIONS OF THIS SECTION.**

NEW SECTION.    **Section 2. Appropriation.** There is appropriated from the general fund to the department of public health and human services \$\_\_\_\_\_ for the biennium ending July 1, 2011, for the purposes of [section 1].

NEW SECTION.    **Section 3. Report to interim committee.** The department shall report to the law and justice interim committee, provided for in 5-5-226, on the implementation of [this act] and on any performance or outcome measures established by the legislative finance committee.

NEW SECTION.    **Section 4. {standard} Codification instruction -- instructions to code commissioner.** (1) [Section 1] is intended to be codified as an integral part of Title 53, chapter 21, and the provisions of Title 53, chapter 21, apply to [section 1].

(2) Sections 53-21-138 and 53-21-139 are intended to be renumbered and codified with [section 1] as an integral new part of Title 53, chapter 21.

NEW SECTION.    **Section 5. {standard} Effective date.** [This act] is effective July 1, 2009.

NEW SECTION.    **Section 6. {standard} Termination.** [Section 3] terminates September 15, 2011.

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